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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 DANIEL W. DANCER,

9 Plaintiff,

10 v.

11 JON JESKE,

12 Defendant.

CASE NO. C09-5153BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

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14 This matter comes before the Court on the Report and Recommendation of the  
15 Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 28). The Court having  
16 considered the Report and Recommendation and the remaining record, and no objections by  
17 Plaintiff having been filed, does hereby find and order:

- 18 (1) The Court adopts the Report and Recommendation; and  
19 (2) This action is **DISMISSED** without prejudice for failure to prosecute.

20 DATED this 10<sup>th</sup> day of February, 2010.

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23 BENJAMIN H. SETTLE  
24 United States District Judge  
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28 ORDER